

Docket No.: 559662000102
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent of:

Bruce Joseph ROSER

Patent No.: 7,244,825 B2

Issued: 17 July 2007

For: DRIED BLOOD FACTOR COMPOSITION
COMPRISING TREHALOSE

Confirmation No.: 2707

Art Unit: 1651

Examiner: Ruth A. Davis

PETITION UNDER 37 CFR 1.182

REQUEST FOR RESTORATION OF PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This application was originally filed 8 September 2003.

In a Response mailed 21 September 2006 to a first Office action on the merits, four terminal disclaimers were included one with respect to an issued patent, 6,649,386 and three others to copending applications. The terminal disclaimers were filed on forms supplied by the PTO – PTO/SB/25(09-04).

This Response was followed by a Notice of Allowance mailed 13 December 2006 which indicated a patent term adjustment of 406 days.

In reviewing the case for issue, applicant discovered that the PTO-generated form did not make an exception for patent term adjustments under 35 U.S.C. § 1.54(b) and therefore, along with the Issue Fee which was filed 13 March 2007, applicant submitted a substitute terminal disclaimer which did make this exception. Because of the necessity to consider the submission, the patent term adjustment of 406 days was reduced by 117 days to 289 days.

As this reduction was caused by reliance on the form terminal disclaimer supplied by the Patent and Trademark Office, applicant respectfully requests that the originally granted patent term adjustment be restored.

The petition fee is enclosed herewith.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 559662000102.

Respectfully submitted,

Dated: May 23, 2008

By: _____ / Kate H. Murashige /
Kate H. Murashige
Registration No.: 29,959
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: (858) 720-5112
Facsimile: (858) 720-5125